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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,703	07/02/2003	Thomas Gross	AUS920030435US1	4415
35525	7590	04/21/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER				
HIGA, BRENDAN Y				
ART UNIT		PAPER NUMBER		
2153				
NOTIFICATION DATE		DELIVERY MODE		
04/21/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciipaw.com

Office Action Summary

Application No.

10/612,703

Applicant(s)

GROSS ET AL.

Examiner

BRENDAN Y. HIGA

Art Unit

2153

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 16-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 17, 2008 has been entered.

Claims 1-4, 6-14, 16-21, and 23-25 are pending.

Claim Objections

Claims 21, 23, 24, and 25 objected to because of the following informalities: Claim 20 is directed to "a computer readable medium" whereas dependent claims 21, 23, 24, and 25 are directed to "the computer program product".

In order to avoid the inconsistent claim language, the examiner recommends amending claim 20 to reference "A computer program product tangibly embodied in a computer recordable medium, wherein the computer program product..." (*emphasis added*, see 35 U.S.C. 101 rejection below).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "The method of claim 11" in line 1. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

Claims 20, 21, 23, 24 and 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention is directed to "A computer readable medium having a computer program product tangibly embodied therein", however, the applicant's specification provides evidence that the computer readable medium is intended to comprise transmission media and software embodiments (see page 24, *"Examples of computer readable media include... transmission-type media, wired or wireless communications links using transmission forms, such as, for example, radio frequency and light wave transmissions. The computer readable media may take the form of coded formats that are decoded for actual use in a particular data processing system"*), which is non-statutory subject matter under 35 U.S.C 101.

In order to overcome the 35 U.S.C. 101 rejection the examiner recommends the applicant amend the claim to refer to "a computer recordable medium", which is properly supported in applicant's specification on page 24: *"Examples of computer readable*

Art Unit: 2153

media include recordable-type media, such as a floppy disk, a hard disk drive, a RAM, CD-ROMs, and DVD ROMs".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-13, 18-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in further view of Caulfield (US 6421943), in further view of Gonzalez et al. (US 6,260,041), hereafter referred to as Gonzalez.

A per claims 1 Agapiev teaches receiving a request from an application (see client [application], Fig. 2, ref. 200, and ¶ 0064), wherein the request identifies one or more information items ("conducting a search", ¶ 0060-0061, "the search phase begins by receiving a request from the client including a designation of sites to be search" and "parameter variables", see ¶ 0073 'which are instantiated in response to the request', i.e. the user can search used cars for sale on the Internet using parameter variables such as "Volkswagon Pasat"); determining an information provider (content server, Fig. 4, ref. 406a-406d) for a given information item within the one or more information items (¶ 0008, ¶ 0054 and ¶ 0073, wherein the content servers correspond to the designation

of sites to be search); retrieving the given information item from the information provider ("conducting a search" ¶ 0060-0061), wherein the step of retrieving the given information item includes generating a retrieval client ("generating a search agent", see ¶ 0057 i.e. "web crawler, spider, or bot", ¶0094 and ¶ 0073, "the search methodology is then implemented in code in the customized search agent to enable subsequent searching of that site by a user"), wherein the retrieval client retrieves the given entitlement information item from the information provider ("conducting a search" ¶ 0060-0061) forming a response ("aggregate result", see [0054]), wherein the response includes the one or more information items ("a single, aggregate result", see [0054]); and returning the response to the application (see "receive a single, aggregate result", see [0054]).

Agapiev does not expressly receiving a request, for access decision information from an application, wherein the request identifies a plurality of entitlement information items for an entity and an identity of the entity.

However, in the same art of network searching, Caulfield teaches a automated system for performing a background checks over a communications network. The system includes a webpage (hosted on a web server) for receiving from a client workstation (i.e. application) request for access decision information concerning the purchase of a firearm. After entering log-in information, a user will request criminal (and possibly other relevant) records (read as a plurality of entitlement information items) providing information identifying the firearm purchaser (an identity of the entity). Upon receiving the request the web server then retrieves the requested information from a

remote server, via the communications network, to determine whether the purchaser may or may not purchase the firearm (see col. 9, line 65-col. 10, line 45).

One of skill in the art would have been motivated to combine the teachings of Agapiev with the teachings of Caulfield in order to utilizing the system described by Agapiev to collect access decision information concerning the purchaser of a firearm.

Agapiev further does not teach determining a given information provider for each one of the plurality of entitlement information items to form a plurality of information providers (*read as determining more than one information provider that provides said information*) wherein the step of retrieving the given entitlement information item from each one of the plurality of information includes generating a retrieval client for each one of the plurality of information providers to form a plurality of retrieval clients (*read as creating a plurality of retrieval clients to search said information providers for said given information*) wherein each one of the retrieval clients retrieves entitlement information from a given one of the plurality of information providers that it is associated with (*read as retrieving the information using the retrieval clients*);

However, in the same art of distributed searching, Gonzales teaches the use of a plurality of 'bots' (read as retrieval clients) wherein each bot may be configured to search a specific resource location (read as an information provider) for retrieving desired search information requested by a client application (see col. 1, lines 42-57, col. 2, line 21-col. 3, line 19 and claim 3).

One of skill in the art would have been motivated to modify the teachings of Agapiev, Caulfield, and Gonzalez for generating a plurality of search agents, wherein each of the plurality of search agents then searches for entitlement information (i.e. criminal and possibly other relevant records) from a specific information provider. The motivation for doing so would have been to generate a more comprehensive search of entitlement information.

As per claim 2 Agapiev in view of Caulfield further teaches caching the retrieved given entitlement information item in a local storage (Agapiev ¶ 0096).

As per claim 3 Agapiev in view of Caulfield further teaches identifying a cached entitlement information item within the one or more entitlement information item; and retrieving the cached entitlement information item from a local storage (Agapiev ¶ 0096).

As per claim 8, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Furthermore, Caulfield teaches wherein the application (read as the user application, i.e. network browser) is an access manager that is operatively coupled to a web server (website) that receives the entity requests from the entity across a network (Caulfield, see, col. 9, line 65-col. 10, line 45).

The same motivation that was utilized for combining Agapiev and Caulfield in claim 1 applies equally well to claim 8.

As per claim 9, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Furthermore, Caulfield teaches wherein the access manager includes a rules engine (determining whether the purchaser may operate the firearm, read as a rules engine see, col. 9, line 65-col. 10, line 45).

The same motivation that was utilized for combining Agapiev and Caulfield in claim 1 applies equally well to claim 9.

As per claim 10, Agapiev in view of Caulfield teaches the invention substantially as claimed as noted above. Furthermore, Caulfield teaches wherein the entity is a user, and wherein the user contacts to the web server to obtain a service therefrom (Caulfield, see, col. 9, line 65-col. 10, line 45).

The same motivation that was utilized for combining Agapiev and Caulfield in claim 1 applies equally well to claim 10.

Claims 11-13, 18-21, and 25 are rejected under the same rationale as claims 1-3 and 8-10, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Claims 4, 7, 14, 17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in further view of Caulfield (US 6421943), in view of Gonzalez (US 6,260,041), in view of Zhu et al. (US 6928526), hereafter referred to as Zhu.

As per claims 4, 7, 14, 17 and 24, Agapiev does not expressly teach wherein the cached entitlement information is in the form of a container.

However, in the same art of data caching, Zhu teaches an efficient data storage system using container data structures (see receiving container, and segment container, Fig. 2, and col. 8, lines 48-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Agapiev with the teachings of Zhu for storing the entitlement information in the form of a container, in improve organization of the entitlement information and improve efficiency in retrieving the entitlement information.

Claims 6, 16, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agapiev (US 2002/0120714) in view of Caulfield (US 6421943), in view of Gonzalez (US 6,260,041), in further view of Irie et al. (US 6,092,099).

As per claims 6, 16, and 23 Agapiev further teaches wherein each one of the retrieval clients (search agents, see ¶ 0061) generates a protocol module to form a plurality of protocol modules (see search agent sends a requests, read as generating a

protocol module, ¶ 0061) and wherein each one of the protocol modules retrieves entitlement information from a given one of the information providers that it is associated with using each of the information providers (¶ 0061, "The results from the search of the designated sites 704 are then parsed 706 and the parsed results are aggregated and presented to the client 708")

Agapiev does not expressly teach the information providers configured according to a provider specific protocol.

However, in the same art of search agents, Irie teaches a system for generating a plurality of search agent, wherein the plurality of agents may be launched one after the other for searching dissimilar data structures (read as protocol specific information providers) (see col. 8, lines 34-59).

One of skill in the art would have been motivated to combine the teachings of Agapiev, Caulfield, and Gonzalez, with the teachings of Irie, for configuring the search agents according to a provider specific protocol. The motivation for doing so would have been to retrieve the entitlement information from information providers having dissimilar data structures.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-14, 16-21, and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN Y. HIGA whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

BYH